

Morris, Phelps, Seward, Shields, Smith, Walker, and Webster.

So the motion to refer was agreed to.

Mr. FOOTER. I move that the bill now take place. The motion was agreed to.

Mr. MANGUM. I move that the chairman be first elected by separate ballot.

The question being put, the motion was agreed to.

Mr. DAVIS, of Mississippi. I am not at all prepared for the balloting for this committee. I think it requires some reflection at least before the Senate takes any further action on the subject. I will move, therefore, that the balloting be postponed until to-morrow at one o'clock, and that the Senate adjourn.

The question being put on the motion to postpone balloting for the committee until one o'clock to-morrow, it was, upon a division, agreed to: Ayes 30, noes not counted.

Mr. DOUGLAS. I desire simply to ask, in order to soften all asperity of feeling and produce harmony, that the suggestion made by the honorable Senator from Kentucky yesterday be now carried out, to wit, that the Senate take up the California bill, and make it the special order of the day for 1 o'clock to-morrow.

The VICE PRESIDENT. It is moved that the Senate proceed to the consideration of the California bill.

Mr. MANGUM and MASON simultaneously moved an adjournment.

Upon which motion Mr. HALE called for a division; and the motion to adjourn was carried: Ayes 33, noes not counted—whereupon the Senate adjourned.

FRIDAY, APRIL 19, 1850.

A message was received from the House of Representatives announcing that the Hon. ROBERT C. WINSTON had been appointed Speaker *pro tem.*, in the temporary absence of the Speaker.

CORRECTIONS OF THE JOURNAL.

Mr. DODGE, of Wisconsin. Mr. President, I desire to correct the Journal. I perceive, by the papers of this morning, that I am recorded as having voted in the affirmative upon the resolution in the District of Columbia, instead of the negative. I wish the record to be corrected.

The Journal was corrected accordingly.

Mr. DAVIS, of Mississippi. I wish to make a slight correction of the Journal. I think that in this instruction shall be construed to authorize the said committee to take into consideration anything that relates to either of the four following subjects: first, the abolition of slavery within the States; I did not vote upon either of the four propositions contained in that provision, because I voted "aye," it carries the conclusion that I admitted the power in Congress to refer these subjects. If I voted "nay," it carried the conclusion that I was against referring to submit the question to the committee. I decided, therefore, not to vote at all upon this and the three following questions, as neither an affirmative nor negative vote would carry my opinion upon the subject; which is that we have no constitutional power to act as contemplated upon any of these subjects. My friends determined to vote them down, with all other amendments. I did not choose to interfere with a desire to expedite the business of the Senate by offering amendments. My course, then, was to vote them down, as I have done, and I am referred to have voted upon the first, and not the other three. The history of the transaction sufficiently explains the course of those who voted upon all the propositions; but one who would vote either without the others would be left in an inexplicable condition. I, therefore, wish to have the vote in the negative upon this resolution, ascribed to me.

Mr. SEWARD. On the amendment relative to the abolition of the slave-trade between the States, I wish to know how my vote is recorded.

The VICE PRESIDENT. In the affirmative.

Mr. SEWARD. I voted in the negative, and wish to have it so recorded.

Mr. YULEE. I beg leave to take notice of an inaccuracy in the report of this morning's Union, which may expose me to misapprehension. I am stated there as exclaiming my not voting upon the ground that I had paired off with a gentleman who voted in the negative. I wish to enable me what I really said. I could myself have voted in the negative.

The VICE PRESIDENT. Does the Senator make any motion?

Mr. YULEE. Oh, no. I merely make the statement in order to set myself right.

Mr. HAMLIN. Mr. President, I perceive that I am recorded as having voted in the affirmative on the eleventh proposition, in relation to the suppression of the slave trade between the States, which is an error, as I did not vote at all. The Journal was corrected accordingly.

MEMORIALS AND PETITIONS.

Mr. HALE. I made a motion yesterday which was decided by the Chair to be out of order. I hope it is in order now. I present the petition of citizens of Stockbridge, in the county of Berkshire, in the State of Massachusetts, praying Congress to repeal all laws or parts of laws by which slavery is established or sanctioned in the District of Columbia, or to cause the seat of the National Government to be removed to a more suitable location. I move that it be received and referred to the select committee about to be raised on this subject, and on that I ask for the yeas and nays.

Mr. RUSK. I hope the Senator from New Hampshire will withdraw his motion, as I have already moved to present a joint resolution from my State, as I am necessarily obliged to be absent from the Senate on official business.

Mr. HALE. Certainly, sir.

The motion was accordingly withdrawn.

Mr. RUSK. I present a resolution of the Legislature of Texas, instructing the Senate and requesting the Representatives of that State in Congress to use their exertions to procure the enactment of a law compensating Brown and Tarbox for services in carrying the mail; which was referred to the Committee on the Post Office and the Post Roads.

Mr. DODGE, of Wisconsin, WHITCOMB, and DOWNS, also presented petitions.

Mr. HALE. I now, sir, again renew my motion that the petition be received and referred to the committee about to be raised; and I ask the yeas and nays upon it.

The yeas and nays were ordered.

Mr. ATCHISON. I move to lay the resolution to rest, and refer upon the table.

Mr. HALE. I ask the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. WHITCOMB. I call for the reading of the petition.

The Secretary read the following petition for the repeal of all laws enacted or adopted by Congress for the support of slavery in the District of Columbia.

To the Congress of the United States:

The undersigned, citizens and electors of the State of Massachusetts, residing in Stockbridge, in the county of Berkshire, respectfully pray for the repeal of all laws and parts of laws which establish or sanction slavery, whether in the city of Washington or the District of Columbia; and that, in the event of their non-repeal, the seat of the National Government may be removed to some more suitable location.

Mr. BRIGHT. There are various other petitions on the same subject now on the table, and after the committee proposed to be raised shall have been raised—

The VICE PRESIDENT. The Senator from Indiana is out of order. The question to lay upon the table is not debatable.

Mr. ATCHISON. I will withdraw the motion to lay upon the table if the gentleman will renew it.

Mr. BRIGHT assented.

The motion was withdrawn.

Mr. BRIGHT. There are various other petitions relating to this subject on the table, and various others connected with the petition of slavery. After the committee of three is raised, which I presume will be determined to-day, it is my intention, unless some other Senator shall do it, to move to refer every thing connected with this subject to the select committee. With that intention, I shall vote to lay this petition on the table for the time being. I now renew the motion on the table.

Mr. HALE. The yeas and nays have been ordered.

The VICE PRESIDENT. The motion on which the yeas and nays were ordered was withdrawn.

Mr. HALE. Then I call for the yeas and nays on this motion.

The yeas and nays having been ordered—

Mr. SEWARD inquired what was the question before the Senate?

The VICE PRESIDENT. It is a motion to lay the question of reception and reference on the table.

Mr. WHITCOMB. Does this question embrace the subject of the reception of the petition, or has the petition already been received?

The VICE PRESIDENT. It has not been received.

Mr. WHITCOMB. Then I shall vote "nay."

The question was then taken by yeas and nays, and resulted as follows:

YEAS—Messrs. Atchison, Badger, Bell, Bland, Butler, Clements, Davis, of Mississippi, Dickinson, Dodge, of Iowa, Foote, Jones, King, Mangum, Mason, Morton, Pearce, Rusk, Sebastian, Sturgeon, Turner, Underwood—41.

NAYS—Messrs. Adams, Baldwin, Briggs, Clark, Corwin, Davis, of Massachusetts, Dayton, Dodge, of Wisconsin, Greene, Hale, Hamlin, Miller, Norris, Phelps, Seward, Smith, Walker, Whitcomb—18.

So the motion to lay on the table was carried.

CALIFORNIA BILL.

Mr. DOUGLAS. I now ask that the bill for the admission of California may be taken up, for the purpose only of making it a special order of the day. The Senate now proceed to the consideration of the bill in relation to California.

The motion was agreed to.

Mr. DOUGLAS. I now move that the further consideration of the bill be postponed, and that it be made the special order immediately after the appointment of the select committee, which is first for the day.

Mr. TURNER. I move to refer the bill to the select committee about to be raised.

The VICE PRESIDENT. The question is on the motion to postpone.

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THE VICE PRESIDENT. The question of postponement takes priority.

The question was then taken on Mr. DOUGLAS's motion, and it was carried.

THE ORDERS OF THE DAY.

Mr. HALE. I now move that the Senate proceed to the orders of the day.

Mr. MANGUM. What are the orders of the day?

The VICE PRESIDENT. The Chair is informed that the resolution offered by the Senator from New Hampshire last evening is the order of the day as an unfinished business.

Mr. MANGUM. Well, sir, one o'clock to-day was fixed upon to execute an order of the Senate, and that takes precedence of every thing. The special order of the day is to execute an order of the Senate made yesterday, and I have never known that to go over for any thing else, at all events, I shall call for the execution of that order at 1 o'clock.

A SENATOR. It wants three minutes to the time yet. You can talk that out.

Mr. MANGUM. Well, I think I could talk for three minutes, should there be allowed to talk so much, but I am not in any disposition that I shall not detain the Senate.

The VICE PRESIDENT. The question is on the motion to proceed to the consideration of the order of the day.

Mr. BUTLER. May I be allowed to ask what is the order of the day?

The VICE PRESIDENT. The unfinished business of yesterday, the resolution offered by the Senator from New Hampshire to refer the petitions on the subject of slavery to the select committee.

The resolution is as follows:

Resolved, That all petitions and remonstrances received the Senate, the subjects mentioned in the resolutions of the Senator from Kentucky (Mr. CLAY) and the Senator from Tennessee (Mr. BELL), referred to a select committee of thirteen, be taken from the table and referred to the same committee.

Mr. KING. I will make a single suggestion. The committee is not yet raised. When the committee is raised, it will be in order for the Senator to make propositions referring matters to that committee, but it is not in order to move to refer matters to a committee hereafter to be appointed.

Mr. HALE. Mr. President, I wish simply to suggest to the Senator from Alabama, to whom judgment I always defer with the greatest submission, that the Senate have already voted to refer some matters to that committee.

Mr. KING. The Senate has moved to refer certain propositions, which are before the body, to a select committee to be raised, but until that time, the Senate has not yet voted to refer any matter other subjects to the committee. The moment the committee is raised it will be entirely in order for the Senator to make his proposition.

Mr. HALE. I submit, Mr. President, as I always do, [a laugh].

Mr. MANGUM. Mr. President, is there any thing pending in the Senate?

The VICE PRESIDENT. There is not. The Chair understands the motion of the Senator from New Hampshire to be withdrawn.

Mr. HALE. It is not quite one o'clock, and I move that we adjourn until to-morrow at one o'clock.

The motion was agreed to.

ELECTION OF THE SELECT COMMITTEE.

Mr. MANGUM. It will be remembered that by the decision of the Senate yesterday the chairman of the select committee is first to be elected.

The VICE PRESIDENT. The Senate has fixed this time for the election of the select committee of thirteen. The chairman will be elected first, and Senators will please prepare their ballots accordingly.

The ballots were then collected and reported.

The VICE PRESIDENT. The question presents itself whether blanks can be counted? There are thirty-four votes cast; of which Mr. CLAY received 27, Mr. BELL 1, Mr. MANGUM 1, Mr. BAXTER 1, and blank 4. It will be perceived that, unless the four blanks are counted, a quorum of the Senate has not been reached. The Chair is informed that the usage has been not to count the blanks. If so, there has been no election for the want of a quorum.

Mr. BENTON. Mr. President—

Mr. WEBSTER. Mr. President, I was not in early enough to vote. If it is in order, I should be glad to do so, in order to make a record.

Mr. MANGUM. I move that the Senator have permission to vote.

The VICE PRESIDENT. If there be no objection the vote will be received. The Chair hears none.

Mr. MANGUM. I move to the Senate to say that, contrary to my usual custom, I did not vote at all, because I am wholly opposed to the raising of such a committee. But I would not see the Senate in trouble for want of a quorum, and I would be willing to throw in a vote that would count, if it be the sense of the Senate, in order to save going through with the whole ballot again.

The VICE PRESIDENT. Does the Senator desire to vote?

Mr. BENTON. Yes, sir.

Mr. MANGUM. I move the Senator have permission to vote.

Mr. BENTON. I neither desire nor decline to vote, but am willing to do it to save trouble.

The VICE PRESIDENT. There is an additional vote for Mr. CLAY, on receiving Mr. WEBSTER's ballot.

Mr. BENTON. Very well; that makes a quorum.

The VICE PRESIDENT. The vote now stands: For Mr. CLAY 28, Mr. BELL 1, Mr. BAXTER 1, Mr. MANGUM 1, and blank 4. Mr. CLAY having received a majority of the votes, is of course elected chairman of the committee.

Senators will prepare to vote for the remaining twelve members of the committee on one ballot.

The ballots were again collected, but before the result was announced.

Mr. DOUGLAS said: At the time the ballot was going on, I was unable to lay my hands on the ticket containing the names to be voted for, and I now desire to vote.

The VICE PRESIDENT. The Chair hears no objection, and the Senator will be allowed to vote. He then, Mr. DOUGLAS, having accordingly deposited his ballot—

The VICE PRESIDENT announced that the votes cast were as follows:

Mr. Cass...30 Mr. Downs...29 Mr. Atchison...1

Mr. Dickinson 31 Mr. Mangum 29 Mr. Smith...1

Mr. Bright...38 Mr. Bell...30 Mr. Underwood...1

Mr. Webster...31 Mr. Benton...29 Mr. Davis...1

Mr. Phelps...31 Mr. Badger...29 Mr. Clark...1

Mr. Cooper...29 Mr. Rusk...2 Mr. Clark...1

Mr. King...29 Mr. Dodge...2 Mr. Sturgeon...1

Mr. Mason...29 Mr. Dayton...2 Mr. Benton...1

The result is, that the remaining twelve members of the committee will consist of Messrs. CASS, DICKINSON, BROWN, RUSK, PHILPS, CORWIN, KISSAM, CLAYTON, DEVERAUX, MAXWELL, BAXTER, and BENTON, these gentlemen having received a majority of all the votes cast.

Mr. PHELPS. I regret, sir, that I must beg to be excused from acting on this committee. The state of my health forbids that I should devote that attention to its duties which the importance of the subjects referred to it demands. These are the reasons which would result in making my friends, the gentlemen of the Senate, why I should be excused from any participation in this proceeding; and the reason that I decline on account of the state of my health will, I trust, be a sufficient reason why I should not be on the committee.

The VICE PRESIDENT. The question is on excusing the Senator from Vermont from serving on the committee.

Mr. MANGUM. I very much hope that my friend will withdraw that motion. The committee will accommodate their action so as to afford every convenience to the gentleman. I hope, therefore, he will withdraw his request.

Mr. PHELPS. I think there can be no difficulty about this matter. I have considered from the outset that the appointment of a committee of thirteen would result in making my friends, the gentlemen of the Senate, why I should be excused from any participation in this proceeding; and the reason that I decline on account of the state of my health will, I trust, be a sufficient reason why I should not be on the committee.

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